



Patent
Attorney's Docket No. 1000500-000301

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Anette BUSCHKA et al.

Application No.: 09/870,517

Filed: June 1, 2001

For: A TEXTILE FIBRE REINFORCED
ABSORBENT MATERIAL

) **Mail Stop:**
) **APPEAL BRIEF - PATENTS**
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) Group Art Unit: 1771
)
) Examiner: Elizabeth Cole
)
) Confirmation No.: 9594
)
) Appeal No.: 1

REPLY BRIEF

Mail Stop APPEAL BRIEF - PATENTS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In response to the Examiner's Answer issued June 5, 2007, please consider the following remarks. Issues raised by the Examiner, which are not specifically addressed below, are not to be considered conceded.



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A. Status of Claims

Claims 1-36 are pending, rejected and presently appealed.

B. Grounds of Rejection to be Reviewed on Appeal

- 1) Claims 1-32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Matsumura* (U.S. Patent No. 4,018,646) in view of *Ruffo* (U.S. Patent No. 4,018,646) and *Fehrer* (U.S. Patent No. 4,972,551).
- 2) Claims 33-36 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Matsumura* (U.S. Patent No. 4,018,646) in view of *Ruffo* (U.S. Patent No. 4,018,646) and *Fehrer* (U.S. Patent No. 4,972,551) and further in view of *Rosseland* (WO 97/45083).

C. Argument

The Examiner asserts:

Matsumura teaches forming the thin long fiber mat, which corresponds to the claimed nonwoven gauze, by supplying a carded lap, (a lap is a plurality of fibers which have been compressed), opening the lap to individualize the fibers by means of a lickerin, and then air laying the fibers to form the gauze.

This is incorrect. Matsumura does not teach a thin, long fiber mat which corresponds to the claimed non-woven gauze. See page 7 of the Appeal Brief.

The Examiner asserts it would have been obvious to employ the air doffing apparatus having at least one carding element in the process of Matsumura.

This is incorrect. See pages 5-8 of the Appeal Brief.

The Examiner asserts

Appellant has not met their burden of proof in showing that the gauze of Matsumura is different [from] the claimed gauze because a different apparatus is used to form the gauze the layer.

The significance of the difference between the gauze of Matsumura and the claimed gauze is explained throughout the Appeal Brief.

The Examiner asserts that

Matsumura teaches that carding results in easy delamination of the web at col. 3, lines 24-30. However, at col. 3, Matsumura is referring to the carding method set forth at col. 1, lines which discusses forming layers of long fibers by carding. That is not the method which Matsumura teaches, but rather of background method. The Matsumura method employs a carded lap... in which the fibers are individualized by the lickerin and fed into the air stream to be formed into the gauze layer. Also, with regard to delamination, Matsumura is referring to the ease by which two separate layers of carded fibers which are laminated can be delaminated.

Further, the Examiner asserts that while a single apparatus may perform both carding and air laying, they are not the same process.

However, the Examiner has confused issues. Applicants simply highlight that air laying fibers directly from a card (in an integrated apparatus) is significant and provides a unique gauze. Interjection of another apparatus between the carding and the air laying may result in a significantly different gauze, and in the case of an interjected lickerin, does result in a significantly different gauze.

Considering this, using a previously carded fiber lap with a lickerin as part of an air doffing apparatus results in a significantly different gauze from the claimed gauze.

With regard to the delamination, Matsumura is referring to a layer of woodpulp that delaminates from a layer of carded gauze. Matsumura teaches resorting to a lickerin, as opposed to a card, and an adhesive bonding agent to overcome such problems. However, the presently claimed invention has overcome these problems without the resort to a bonding agent and specifically with a card.

The Examiner asserts that applicants have not pointed out where Matsumura teaches that the fibers should be a random webbing and not aligned. Attention is drawn to columns 1-3 of Matsumura where Matsumura discusses aligned vs. random fibers and the use of a lickerin to obtain random fibers. Matsumura, at column 8, lines 35-64, discloses that a lickerin is used to form a mat on endless wire 119.

Respectfully submitted,
Buchanan Ingersoll & Rooney PC

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